

Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes:

OPR, MNR

Introduction

This hearing dealt with an application by the landlord for an order of possession due to unpaid rent and a monetary order to recover rental arrears inclusive of late fees. Both the landlord and the tenant participated in the conference call hearing.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the landlord entitled to an order of possession?

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

Rent in the amount of \$1400 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$700. The tenant failed to pay all rent due in the month of January 2009 and on January 5, 2009 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of February 2009. The landlord further requested late fees of \$25 for each of the 2 months.

Analysis

Based on the testimony of the tenant and landlord I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The

tenant has not paid the outstanding rent arrears and has not applied for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice.

Based on the above facts I find that the landlord is entitled to an order of possession. As for the monetary order, I find that the landlord has established a claim for \$1916 in unpaid rent, and late fees as follows:

Rent arrears for January 2009	\$466
Late fee – January	\$25
Rent for February 2009	\$1400
Late fee - February	\$25
TOTAL	\$1916

Conclusion

I grant an order of possession to the landlord. The tenant must be served with this order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I order that the landlord retain the deposit and interest of \$709.61 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of **\$1206.39**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated February 25, 2009